

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION

Charles Everett Cook, et. al.,

No. 06-579 DWF/AJB

Plaintiffs,

vs.

City of Minneapolis, et al.,

Defendants.

**ORIGINAL**

The record regarding the depositions of  
Charles Everett Cook, Sylvia Mae Cook, and Timothy  
Blake Cook noted pursuant to Notices of Taking  
Depositions, before Barbara A. Larsien, a Notary  
Public in and for the County of Hennepin, State of  
Minnesota, taken on the 31st day of January, 2007, at  
333 South Seventh Street, Suite 300, Minneapolis,  
Minnesota, commencing at approximately 10:05 a.m.

KIRBY A. KENNEDY & ASSOCIATES  
(952) 922-1955

EXHIBIT

6

1 APPEARANCES:  
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3

4 TRACEY NELSON, ASSISTANT CITY ATTORNEY, CITY  
5 OF MINNEAPOLIS, 333 South Seventh Street, Suite 300,  
6 Minneapolis, Minnesota 55402, appeared for and on  
7 behalf of the defendants.  
8  
9

10 The original is in the possession of  
11 Attorney Tracey Nelson.  
12

13 INDEX  
14

15 RECORD RE: CHARLES E. COOK,  
16 SYLVIA M. COOK, AND  
TIMOTHY B. COOK:

17 BY MS. NELSON

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## 18 EXHIBITS:

19 Exhibit 1, Letter to Albert Goins,  
20 dated January 16, 2007; Affidavit  
of Service Re: Deposition Notices;  
21 Notice of Taking Deposition of  
Charles Everett Cook; Notice of  
22 Taking Deposition of Sylvia Mae  
Cook; Notice of Taking Deposition  
23 of Timothy Blake Cook; and Fax  
Cover Sheet to Albert T. Goins,  
24 with Transmission Report  
25

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1 (At this time COOK Exhibit 1  
2 was marked for identification  
3 by the court reporter.)  
4

5 MS. NELSON: My name is Tracey Nelson,  
6 I'm an Assistant City Attorney for the City of  
7 Minneapolis. I noticed the depositions of the  
8 plaintiffs, Charles Cook, Sylvia Mae Cook, and Timothy  
9 Blake Cook, on January 16th for the depositions to be  
10 held today, January 31st, 2007, at 9:30. It is now  
11 10:05. I called plaintiffs' counsel at 9:41 and it  
12 was not noted to be on his schedule for these  
13 depositions. I was told to call his cell phone. I  
14 called his cell phone and left a message. At 10:00  
15 o'clock he called me and stated that he was unaware of  
16 the depositions being held today and requested that we  
17 hold them another day. And I would like to offer into  
18 evidence Exhibit 1, the Notice of Depositions for the  
19 three named plaintiffs, the affidavit of service, the  
20 letter to counsel, and the fax sheet showing that it  
21 had been faxed.

22 (Whereupon, at 10:05 a.m., Wednesday,  
23 January 31, 2007, the record Re:  
24 CHARLES E. COOK, SYLVIA M. COOK, and  
25 TIMOTHY B. COOK was adjourned.)

1 STATE OF MINNESOTA )  
2 ) SS.  
3 COUNTY OF HENNEPIN )

4 Be it known that I took the record re:  
5 Depositions of Charles E. Cook, Sylvia M. Cook, and  
6 Timothy B. Cook, on the 31st day of January, 2007, at  
7 Minneapolis, Minnesota;

8 That I was then and there a Notary Public in  
9 and for the County of Hennepin, State of Minnesota,  
10 and that by that virtue thereof, I was duly authorized  
11 to administer an oath;

12 That the record was recorded in Stenotype by  
13 myself and transcribed into typewriting under my  
14 direction, and that the record is a true record of the  
15 testimony given to the best of my ability;

16 That I am not related to any of the parties  
17 hereto nor interested in the outcome of the action;

18 WITNESS my hand and seal this 31st day of  
19 January, 2007.

20  
21 *Barbara A. Larsien*  
22 Barbara A. Larsien  
23 Court Reporter  
24  
25

